

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Patrick Booker,)	Case No. 8:24-cv-03859-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Henry McMaster, Governor of South)	
Carolina; Howard Knapp, Executive)	
Director of South Carolina State Election))	
Commission; Connie Moody, Director of)	
Voter Registration and Elections for)	
Greenwood County,)	
)	
Defendants.)	
)	

This matter is before the Court on Plaintiff's motion for preliminary injunction. ECF No. 10. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Mary Gordon Baker for pre-trial proceedings and a Report and Recommendation ("Report"). On September 3, 2024, the Magistrate Judge issued a Report recommending that the motion for preliminary injunction be denied. ECF No. 16. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences for failing to do so. Plaintiff has not filed objections to the Report and the time to do so has lapsed.

APPLICABLE LAW AND ANALYSIS

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

As noted above, Plaintiff has not filed objections to the Report; however, he has filed a notice of change of address, a motion for intervention, a motion for order to show cause, and two letters. ECF Nos. 19, 20, 38, 40, 41. Upon review, the notice of change of address does not address the Report and should not be considered as objections.¹ In his motion for intervention, Plaintiff alleges that he has been denied access to the law library and the prison mailroom and “requests his Court to intervene in the manner requested above.” ECF No. 20. Plaintiff does not reference the Report and the Court is

¹ The Report was mailed to Plaintiff address on file on September 3, 2024. ECF No. 17. The notice of change of address was dated September 18, 2024, and was received by the Clerk’s Office on September 20, 2024. ECF Nos. 19. The Report has not been returned as undeliverable.

of the opinion that this document cannot be considered objections.² In the motion for order to show cause, Plaintiff references the motion for intervention and states that if it has not been received by the Court “the named individuals are responsible.” ECF No. 38. He does not otherwise specifically refer to this case in the motion. The Court is of the opinion that this document should not be considered objections to the Report.³ Plaintiff’s first letter requests a petition for habeas corpus form and two applications to proceed in forma pauperis. ECF No. 40. His second letter requests a copy of the docket sheet showing “all activity since September 11th 2024 (the date of my arrest and confinement).” ECF No. 41. The Court is of the opinion that neither of these documents should be considered objections to the Report.

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, upon review for clear error, the Court adopts the recommendation of the Magistrate Judge. Accordingly, the motion for preliminary injunction [10] is **DENIED**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

November 1, 2024
Spartanburg, South Carolina

² With respect to any other relief requested, this motion remains referred to the Magistrate Judge.

³ With respect to any other relief requested, this motion remains referred to the Magistrate Judge.